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Chair

Mr. Gary Goodyear

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•(1100)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Colleagues, let's begin our meeting this morning. We do have quorum, so we'll proceed right away.

I would like to advise members that today's meeting is in public.

If members recall, at the end of our meeting on Tuesday, the committee—We will resume where we left off at the conclusion of that meeting.

I just want to point out to members that while you may have noticed there is a new number assigned to this meeting, I want to assure members that the chair is very aware that this is simply a continuation of that other meeting. The minutes of Tuesday's meeting state that the committee adjourned until 11 a.m. today, and that the discussion of the second report of the Subcommittee on Private Members' Business will continue at this time. I hope that clarifies any confusion that might exist over a new number for this meeting. The normal practice would have been to adjourn that meeting at the call of the chair.

Members will also remember that at the conclusion of that meeting Mr. Preston was next on the list of speakers and that he requested he be the first person recognized at today's meeting, and that was agreed.

While the matter before the committee for this meeting is the second report of the subcommittee, I want to also remind all members that we did dismiss our witness at that time. We excused Mr. Silva. Technically, there is no motion or witness before this committee at this time. If you recall, we excused Mr. Silva when we proceeded to debate the motion put forward by Monsieur Plamondon, which, after a lengthy debate, was withdrawn.

The question the committee ultimately has to answer today is whether the second report of the subcommittee will be concurred in. But at this time, I'm in the hands of my colleagues on the committee.

Therefore, pursuant to Standing Order 92, the committee will now resume consideration of the second report of the Subcommittee on Private Members' Business, which states:

Pursuant to Standing Order 92(1)(a), the Subcommittee on Private Members' Business agrees that the following item of Private Members' Business should be designated nonvotable on the basis that it contravenes the criterion that bills and motions must not concern questions that are substantially the same as ones already voted on by the House of Commons in the current session of Parliament.

In other words, that is Bill C-415.

In accordance with my understanding and that of the committee of the decision at the conclusion of the discussions on Tuesday, I will now recognize Mr. Preston. Mr. Preston, you have the floor.

•(1105)

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Thank you, Chair.

I think I'll spend a short period of time refreshing the committee as to where we were, what we were discussing and what end we'd like to come to.

I'll start off by summarizing the subcommittee's work. The subcommittee of this committee, the subcommittee responsible for private members' business, has met and is called to meet from time to time to review private members' business and to determine whether it is votable or non-votable in order to refresh the order of precedent from time to time. We're called to do that.

The subcommittee also had been charged by the Speaker to come up with some slight revisions to the criteria that will be used to determine non-votability on private members' business.

As you may or may not remember, of course, we had run into a situation earlier in this session where two members' bills—coincidentally, one of them is related to the subject matter today—one by Mr. Nadeau and one by Ms. Bell, had been ruled to be substantially similar. Yet the rules in those days or the criteria for non-votability at that time read that even if they were substantially similar, and those two were—and the committee noticed it even at the time of the meeting of the subcommittee—we were handcuffed at the time because it stated one could be ruled non-votable if indeed one had been voted on in the House. Well, they had both simply been put on the order of precedent, and therefore neither could be ruled non-votable by the committee because neither had been voted on.

When one was voted on in the House, Mr. Lee stood and asked the Speaker how we would then deal with that piece. We were charged by the Speaker at that time to come up with a criterion change that would ensure that if it occurred again we would be able to remove one at the subcommittee level rather than waiting until it got to the House and had to move forward in that way.

The other thing the Speaker charged the subcommittee with was to come up with a remedy for Ms. Bell at that time. There was some question—Obviously, the way the Standing Orders read, if a bill had been deemed non-votable by the Speaker, it could've simply been tossed aside and Ms. Bell would have lost her chance to speak on private members' business. Because she had chosen a bill that was substantially similar to Mr. Nadeau's, and his had come forward first, she could have been ripped off, she could have been chosen not to have a bill, even though her number was reasonably good. In the lottery, she was fairly high up.

So the Speaker asked us for at least advice on a remedy to that situation. There we were, charged with two pieces of work, along with deciding whether bills were votable or non-votable. We were also charged with how to change the criteria for making bills votable or non-votable before the fact, before they could get to the House and therefore run into the same thing, and also to come up with a series of criteria or remedies that would apply in the event that if it happened again someone could then put forward another motion or another bill, depending on what had been ruled non-votable.

As you know, the criteria that we look at for both bills and motions are substantially the same. Bills and motions must not concern questions that are outside federal jurisdiction. Bills and motions must not violate the Constitution or the Charter of Rights and Freedoms. Bills and motions must not concern questions that are substantially the same as ones already voted on in the House of Commons—sorry, during the current session of the Parliament—that's how that third criterion read before we put a change in, and I'll tell you in a moment what the change was—and then that bills and motions must not concern questions that are currently on the *Order Paper and Notice Paper* as items of government business.

• (1110)

We added to that third one that bills and motions must not concern questions that are substantially the same as ones already voted on in the House of Commons in the current session of Parliament. That one stood well and stood the test of time fine, until this occurred, until we ran into the case where both Monsieur Nadeau's bill and Ms. Bell's bill appeared in Parliament at the same time. Only when one was voted on, then, would the other one be able to be deemed non-votable.

So we've added the phrase afterwards, “or as ones preceding them in the order of precedence”, so that at the subcommittee in the future, when the subcommittee on private members' business, representing the committee on procedure and House affairs, meets, we now have a way of determining a bill non-votable if it matches another one that has not yet been voted on in the House.

We think we've corrected the problem, going forward. We're not certain, but we think we have, because in this place you never know until something else happens as to whether in fact you've covered all the bases, crossed all the *t*'s and dotted all the *i*'s. We think we're there, but we're not certain, but right now it seems well.

We have also moved forward and in the report back to this committee have also come up with what we believe are remedies should in fact bills be deemed non-votable either by the subcommittee or by appeal to this committee, or to the House, even. I guess there is another session of appeal. There are some

remedies that we've come up with as to what could happen if the member—

And I will thank the members of that subcommittee. Madame Picard sits on it with us, and others. And certainly even for the work that we did, the clerk of the subcommittee business and the researchers gave us a great deal of help on this, and truly so did the Clerk of the House and the Deputy Clerk of the House. They're the ones who really came up with some of the good wording for us, so I do need to thank them before I move on.

We came up with some of the remedies here, and it truly is that if the member already had other bills, as some of the members of the House are wont to do—We may have two or three pieces of private members' business that we have tabled, and when it comes our time in the lottery, we may then pick the one we'll want to move forward on in the order of precedence. So if someone had another piece of legislation, be it a bill or a motion, already there, they would have the choice to substitute that one in, and that would be a good remedy. We would also allow them a certain amount of time if indeed they wanted to write another piece of legislation and then put that back in. If that happened, they might move down to the bottom of that group of the order of precedence, but it wouldn't be a great penalty and it would still be in there and they would still be debating their bills.

We think we've come up with some pretty good remedies, and we think, representing the procedure and House affairs committee, that the subcommittee on private members' business has diligently done its work and the researchers and the clerks have helped us to come up with, first of all, some additions to the criteria to aid us in that function, but also in discussing the relevant pieces of legislation that we were discussing at the time and matching them against those criteria.

That brings you to what the subcommittee has been attempting to do during this time. We may come back to some of that information, but that's about where we are.

We'll move forward now to the fact that the subcommittee, in the last refreshing of the order of precedence, ruled two pieces of legislation non-votable. Obviously it's an in camera piece, so I can't tell you how and why we arrived at our ideas, but I've read you the criteria, and it's under the criteria that bills and motions must not concern questions that are substantially the same as ones already voted on by the House of Commons in the current session.

That was the judgment criterion that we had used to establish both of the pieces of legislation that had come forward in this last bit of refreshing of the order of precedence. That was the one we had talked about. We looked at two different pieces of legislation, one where Mr. Silva has come to the committee of the whole to appeal the decision of the subcommittee, but others were done that way too.

•(1115)

I'll remind this committee that earlier in this session we also had, under I think it was the first replenishment of the private members' subcommittee, ruled another piece of legislation non-votable. It was for a different criterion, but Mr. Benoit, the member for Vegreville—Wainwright, had brought forward a piece of legislation and we, the subcommittee as a group, had again worked diligently on it, with the help of the researchers and the clerk, to determine whether it had met the four criteria of votability or non-votability. We had determined it had not and we brought it back to this committee. The committee accepted the report of the subcommittee at that time because, as you're wont to do, you'll support your subcommittees, and you think they do good work. We represented the committee as a whole, so I know you stepped up and said we had done the right work then. I don't think this committee did it for partisan reasons. I think this committee did it because they believed in the work of their subcommittee.

You'll remember Mr. Benoit came forward at that time and asked this committee to look again at the decision made by the subcommittee and, if I remember rightly, very forcefully and with all passion tried to explain he felt his bill was still a votable piece of legislation. We listened well, as we are wont to do as a committee, and we asked hard questions of Mr. Benoit. And at the end of the day we did what of course all good committees should do, and that was support the ruling of their subcommittee. We believed that bill was non-votable still, that it was not a bill that could be voted on in the House of Commons in the session.

What did Mr. Benoit do at that point? Mr. Benoit did what is another option available to Mr. Silva and another option that this committee can make available to Mr. Silva. Mr. Benoit chose at that point to take his bill forward regardless, even though it had a non-votability to it, that he felt with his passion, with his fervour, what he was looking for, and it wasn't about gophers, which Mr. Benoit wants to talk about from time to time; this was a different subject. Mr. Benoit chose to take it forward to the House of Commons for two different sessions of debate, for two different readings of debate, knowing that at the end of the day there would not be a vote on his private member's legislation. He felt he'd got it that far, he was disappointed of course in the ruling by this committee when it backed up its subcommittee on the non-votability of his bill, but he chose to move it forward so he could have it debated in the House and so the people of Canada and the other members of the House who don't sit on this committee, who don't have the great thrill of sitting on this committee or the subcommittee, could also hear the valuable piece of information Mr. Benoit was trying to move forward.

So, as it was, he brought it forward and it was voted on. And I still offer that to Mr. Silva, even in this case. If indeed we do move Mr. Silva's and you back up your subcommittee, as committees are wont to do from time to time, and move the bill non-votable, Mr. Silva still has the opportunity, if he's very passionate about the material. And even though we've determined the material in Mr. Silva's bill to be substantially similar to other material that's already been debated in the House, Mr. Silva could move it forward, and with the great passion that I know of Mr. Silva, debate it in the House at a couple of more readings and certainly push all the parts he wanted to push.

I recognize he'd like to also speak a little bit about essential services in there, and he might even be able to convince some more, so that at the next sitting of the House, when someone else moves forward a bill similar to this, which we do believe has come to the House on nine other occasions, we could have some more information to move forward. Mr. Silva could clearly do that if he wishes. This is another option Mr. Silva could do. He could bring it to the House as a non-votable item and still have it debated.

So we're not punishing Mr. Silva in any real way. Even though we have found his bill to be substantially similar to others that have already been voted on in this House, we're giving him a remedy. Above that remedy, I might add, the remedy where he could still take it to the House as a non-votable entity, he has other remedies, which, if we move this non-votable, he could move forward with and come back to the House with another piece of legislation. Or perhaps Mr. Silva has another piece of legislation already on the order paper he could move forward with.

•(1120)

These are the remedies that are there.

Again, trying not to reveal any of the in camera procedures of that subcommittee, because, of course, we're still talking about the sharing of information from in camera sessions at this committee also, and we wouldn't want to do that after having moved the motion to look for sanctions—I know that some of you would come with some dire sanctions should I do that—there was another motion at the same private members' grouping that was also moved non-votable.

Now, the mover of that motion has chosen to simply allow it to drop and not move it forward at all. Mr. Dion has chosen not to bring this bill forward, although we had ruled that the subject matter had been voted on in the House, and therefore was similar to other items that had been voted on in the House.

Regarding the subcommittee, you're absolutely right. That's already been voted on in the House. I won't move it forward. But I give you that he had the opportunity, if he wanted, to move that piece forward as a non-votable piece, just as we're offering to Mr. Silva to do.

He could have, if he was passionate enough about the piece of legislation that he had brought forward, which he has now allowed to drop. If he was passionate enough about it, if it had meant enough to him, he could very well have brought it forward and debated it at different readings in private members' business, but could not have a vote at the end of the day.

I've seen many members stand on many issues in our House of Commons, issues that may not be votable, that may never come to a conclusion in the House, but about which they are passionate, and they will bring them forward because that is what is near and dear to them.

Obviously, the private member I'm speaking of in this case chose not to be passionate about the piece of information that he could have brought forward at that time, but *c'est la vie*.

Let's discuss similarities. "Substantially similar" I think is a key piece in the argument here. I chose not to bring my whole *Oxford Dictionary* today, and I just brought the page with—

An hon. member: Ah.

Mr. Joe Preston: Well, I was going to start with the *As* until we got to "substantial".

An hon. member: I don't think we want to know what those things are.

The Chair: Just so that I can maintain some decorum here, it's nice to be a little casual today, but could we direct comments to the chair, and not back and forth?

Mr. Joe Preston: I'm sorry, Chair. I meant to bring my dictionary today.

The Chair: Thank you.

Mr. Joe Preston: And if I had, I could open it at *C* and look up "chair", and we could discuss what that was. But here we are—

An hon. member: We have a good chair, a better chair.

Mr. Joe Preston: Yes. That would be right near "confidence".

Here we are, in fact, on the *S* pages, and we're talking about "substantially". As you'll remember, there are the four criteria for making things non-votable as a piece of private members' legislation. I won't repeat them all. I'll just repeat the one we're dealing with here, and that is:

—bills and motions must not concern questions that are substantially the same as ones already voted on by the House of Commons—

You'll remember my comments from the other day, when I was trying to compare for you the two beautiful candy-apple-red Mustangs sitting in the parking lot. We said that if I had two beautiful Mustang convertibles sitting in the parking lot, and they were sitting side by side, you would at first say, "Those two cars are substantially the same. They're red convertible Mustangs." I said "Yes, but one had a CD player, and the other had satellite radio."

But I know my friend here would say to me, "But they're still substantially the same, Joe. They both use gasoline and go down the hill. They're red. They're beautiful cars"—

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): They go up the hill too.

Mr. Joe Preston: Oh, yes. So "substantially" is the piece we're looking at here.

So substantially, as defined in the *Oxford Dictionary*, means to a great or significant extent, for the most part, or essentially. So we're just trying to determine whether substantially similar to is for the most part. Is it "essentially" the same? Is it "to a great or significant extent" the same?

We can compare pieces of legislation in the same way, I think, and that's truly what we looked at. So we have the definition.

And here I have—Sorry.

• (1125)

Hon. Stephen Owen (Vancouver Quadra, Lib.): Point of order, Mr. Chair.

The Chair: Mr. Owen.

Hon. Stephen Owen: Could Mr. Preston please inform the committee of the edition of the *Oxford English Dictionary* he's reading from?

Mr. Joe Preston: If you'll allow me time, Mr. Chair, I will run back to my office and check the cover, because I only brought the page. But I assume I would stay in the speaking order while I did that.

The Chair: I'm sure the member would be kind enough to table that with you later. It's not a point of order—

Mr. Joe Preston: It is a very good question.

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Can we suspend for one hour?

The Chair: I'm sorry, you don't have the floor, Monsieur Guimond.

Mr. Joe Preston: That was a great question. I suppose we could suspend.

Perhaps there's a dictionary very close to this room. It might not be my *Oxford English Dictionary*; it might be one of the other great dictionaries of this land. Funk & Wagnalls—that's exactly it. We could get one of those.

Perhaps you'll allow that my version of "substantially" is okay for now. We'll argue the differences at a later time—maybe later on in this same dissertation. But right now we'll go back to where I was.

I also brought Ms. Bell's bill, which was ruled to be very similar to this bill by our subcommittee, and by reference then, by this committee. I just thought I'd bring it because they look the same from a distance. They're like those Mustangs, aren't they?

That brings us to Bill C-415, Mr. Silva's bill, which we as a subcommittee ruled to be also substantially similar. I'm looking at the front cover, and other than the numbers on it and the names at the bottom, it's "An Act to amend the Canada Labour Code (replacement workers)". If I read the other one, it says "An Act to amend the Canada Labour Code (replacement workers)".

I'm telling you that sounds substantially similar to me, because that sounds exact. So it doesn't even meet the criteria of "substantially"; it means the criteria of "exact". If I'd brought the whole dictionary I could move back to "e" and look up "exact" and we would be discussing that at this point. I should have done that. I'll get better at this as I spend more time in this place.

But truly, when it comes down to it we're dealing with whether they are substantially the same, and we're not talking whether there are any differences, because under "substantially" it doesn't say they must be exactly the same. I'll read it again. It says "to a great or significant extent". So there have to be some similarities, I guess, for the most part. If we look at "for the most part", I think we'll find that Bill C-257 and Bill C-415 clearly have the same purpose. It says right there "An Act to amend the Canada Labour Code (replacement workers)". They have the same purpose, namely to ban the use of replacement workers. That's clearly what this is saying here—the banning of replacement workers.

They both amend the Canada Labour Code and they're identical, other than one clause and one subsection. So we have one clause and one subsection different in one from the other. I think that meets my "substantially" rule here. We're talking about them being substantially the same.

Mr. Chair, I know I'm to put all my comments through you, but I seem to be losing my audience. As an amateur actor, I'd feel bad if they'd all gotten up and walked out on me. Okay, I understand they're listening now.

They both contain an identical paragraph in their summaries, stating their purpose:

—to prohibit employers under the *Canada Labour Code* from hiring replacement workers to perform the duties of employees who are on strike or locked out.

Maybe I should say it twice, because it says it in each of them:

—to prohibit employers under the *Canada Labour Code* from hiring replacement workers to perform the duties of employees who are on strike or locked out.

So both bills say exactly the same thing in their purposes and in their final paragraphs. Other than the word "essential" added a couple of times in one and not in the other, these bills are substantially the same—thus the ruling by your subcommittee after diligent work. I have to tell you, finding the word "essential" in there a couple of times made it fairly easy. That was the only thing that was different. So that's the ruling there.

Mr. Silva also brought it to our attention that the Speaker made a ruling. I think I spoke about this the other day, and I'll speak to it again. I had the Speaker's ruling in front of me, because when you can't sleep well at night you can grab things like the Speaker's rulings and they'll certainly cure your insomnia. If you want to read a few Speaker's rulings you can get to sleep a lot better.

• (1130)

This is the Speaker's ruling on Bill C-415, and I've searched and searched all through it. I've looked on every page, because there are three pages. Non-votability is not mentioned once by the Speaker. That isn't what the Speaker was charged to do. The Speaker was charged with determining whether the bill was in order or not. We're not ruling this bill out of order. As I've said, Mr. Silva's bill is still very much in order. He can take it to the House and have it debated, because it is a bill that's in order and can be discussed. But it can't be voted on, because we've ruled it non-votable.

I'd like to go back to "substantially", because we've talked a bit about it. That truly is the criteria we're dealing with here. I brought a couple of my favourite pens, because I couldn't bring the Mustangs inside. We could have parked them outside, but I would have needed the chair's permission for us all to go outside and look at them. I'm not sure I'm allowed to use props, Chair, but I will until you tell me I can't.

These are two of my favourite kinds of pens because they write on photographs and on paper.

You brought the dictionary, the *Concise Oxford English Dictionary*. Does it say "substantially" is pretty much what I said?

The Chair: Could I just interrupt you for a minute?

Okay, Mr. Preston, my apologies for the interruption. You may continue.

Mr. Joe Preston: That's fine. I'll just take a small break at that moment too.

I was talking about my favourite pens and how they certainly have different coloured caps, one is blue and one is red, because I use them for different purposes: sometimes I'm mad and other times I'm not, I think. If I went into a store and asked for a pen, I may be offered these, because they're substantially similar; they would fall under the category of pens. So I would say that these two pens would be substantially similar, even though we are dealing, of course, with a red cap and a blue cap, and I feel very badly for having not brought some of the other parties' colours. They would still be substantially the same.

And if I read the pens, they're both fine point and they're both Memories pens—and as I said, I do like using them a lot because they write on just about everything—but they have exactly the same words on the outside.

So I'd give to you that under the definition of "substantially" in the dictionary, I have discovered writing instruments that are substantially the same also. I use them to write on the two pieces of legislation that I found to be substantially the same.

Let's look back. I told you I would probably return to the work of the subcommittee when we're looking at this. As I said, we've talked about Mr. Nadeau's bill, and we talked about Mr. Silva's bill, and I told you I brought Ms. Bell's bill, who, in the first catch of this.... Their whole reason for some of this coming about was Mr. Nadeau and Ms. Bell had written exactly the same legislation for private members' business at the first time. They both had, luckily enough, been drawn very early in the lottery this time.

For those who don't know, the lottery here is our way of choosing private members' business. We pull all of the names out of a, I don't know, it must be a drum of some sort. So we're dealing with the fact that all members who are not ministers of the crown, and of course the Prime Minister too, can be in the group of private members' business. All those names are accumulated in some sort of vessel, I assume, and pulled out. And thus the order of precedent is established, who gets to go first, second, third, or fourth.

We've had discussions, even in this committee on other issues, that once both are on the order of precedent, there is some trading that can take place. People can actually move up and move down the order of precedence. I digressed there, and I didn't mean to.

Ms. Bell's bill, again, is "An Act to amend the Canada Labour Code (replacement workers)". Mr. Nadeau's, which actually ended up going through, Bill C-257, is "An Act to amend the Canada Labour Code (replacement workers)". Then, of course, their summaries are nearly the same. These two bills are almost exactly, word for word, the same piece of legislation.

As I had also mentioned, this legislation had, over time, over many terms of Parliament, come forward. I dare say, if I'm right, it is nine times that it has come to the House as a piece of legislation in some shape or form. They may have been substantially similar; they may not have been exact, but they may have been substantially similar. They have come in different Houses of the Parliament, and therefore they're not ruled out of order, if they come one at a time in different sittings of the House.

But these two did come at the same time. I'm sure they both are very passionate about this piece of legislation, these types of legislation, and they very passionately brought them forward and said this is what we'd like to do, this is the type of legislation we'd like to see our country have, and this is the type of legislation that—we are a democracy—I'll bring forward and put in this House of Commons, and we will debate it. We'll debate it at second reading, we'll debate it at third reading, and we'll take it to committee and we'll discuss it there, because they're passionate about these pieces of legislation.

We are a democracy, of course, and they may lose. It may be voted on and not pass. Mr. Nadeau's bill, I believe, did that. I believe we got it all the way through the House and on final reading it was defeated in the House of Commons. It was voted on, but the democracy of this House, the democracy of this place ruled.

• (1135)

It was chosen that it not become a law of this land the way it was written, and for many reasons. That's what happened.

So Ms. Bell, who brought forward an identical piece of legislation, did not get the chance to move it forward through the House. Certainly, I know that she got to speak on Mr. Nadeau's bill, so she had some pleasure in being able to move forward a piece of legislation that she had also wanted to bring forward. But they were substantially the same, so Ms. Bell's bill was ruled non-votable.

That brings us to the next case. I've given you the history. I've talked a bit about Mr. Nadeau and how he brought his bill forward. It went through all of the stages, and I even had the honour to sit at the human resources committee a couple of times while it was being discussed as a piece of legislation there. I've gotten to spend a lot of time with Mr. Nadeau's bill; I guess I'm fortunate that way.

But there we were. Mr. Nadeau's bill went through the House, went through committee. It was well discussed there. Geez, I remember one of the days at the human resources committee, there were maybe seven or eight witnesses—it was full at that end of the table—discussing this piece of legislation. And there were contrary views, good pieces of discussion and great pieces of information, brought forward by witnesses who talked a lot about why this piece of legislation would be good for our country and why it would be bad. That's truly what we're here for, to discuss both sides.

There was even some talk there about what changes could have been made to make it better legislation, because I think we always want to strive for perfection—if not perfection, at least excellence—in our legislation.

So Mr. Nadeau's bill moved through all of those stages in the House, yet on the final day, not enough members stood in that standing vote. It was probably heart-wrenching, because I know if

you spend that much time trying to put through a piece of legislation and you have that happen to you at the end of the day.... Not enough members stood in favour of it, so the piece of legislation did not pass.

Well, that's all well and good. That's what democracy is. That's why we're here. We move good laws. I remember sitting in the House in one of my first sessions, and the member to my left here was a bit of a mentor for me in my first year in the House. Outside of his ability to absolutely imitate a combine to perfection, I remember our sitting there one day when I was a brand new member of Parliament, and we were debating something that clearly, we all agreed on. This happens to us all in the House. I know it happens often, because of how the colleagues in this House always do agree like that. We were discussing something, and speaker after speaker from different parties kept getting up and saying, "We agree with this. This is the right way to go." I turned to Ken and I said, "You know what, Ken. I come from the business world, and if we all agree on something we just get her done and move on." I remember asking him, "Why is it we're still debating this?", and he said, "Because we can't afford to make bad laws in this place."

It was a piece of advice that I keep to this day, and I certainly have shared it more than once with other new members of Parliament. And it's true. And here we are, with legislation before us, with legislation before that, with legislation that would like to be coming after that. Why can't we move this forward? Why can't we? Why should we not? Why should this committee stand behind its subcommittee and agree that this item is non-votable? Because we can't afford to move.... We can't afford...by our own regulations. We are a place...and that's the other thing.

That same day that he said, "We can't afford to make bad laws", I said, "Well, okay, I understand that piece. But why is it we're still going to talk about this thing for three more hours?" Because those are the rules and regulations of this place. That's what we've put forward. We will speak for three hours on an item to be sure that nothing can come forward, that nothing comes forward, that absolutely nothing is forgotten in a piece of legislation, that we did not find fault, even if we all agreed with it.

Here we are, held by our own rules and regulations, in this case the rules and regulations, the criteria for private members' business votability. Here we are, the four of them. I could read them again to you, but I'll save that for later.

• (1140)

The criteria for private members' votability.... Here we are. We are held to them. They're like handcuffs to us, saying you can't move this forward. It says to you, in your own rules, you must not, you cannot, you shall not move this bill forward; it is non-votable. It matches something else that has already been voted on. It's substantially similar to something else that you've already voted on in this House.

And I know now. I see the gleam in the eyes of the members opposite. They are starting to hear; they are starting to get this. This is really good. I dare say that if I spend this much time again, I may have them convinced, so we'll work on doing that.

But we are a place of procedure. We are a place of rules. We are a place where the regulations that come before us were made by other members, by people who sat here years and years ago and set forward regulations for us to follow. And if we did not have those rules, if we were not bound by them, we would have a strangely different place to follow. We would have a strangely different place to go to for work every day, because it wouldn't be the rules. There wouldn't be.... When would we stand for legislation, when would we stand for question period? That's what the regulations and orders are here for.

So here we have built into private members' business.... And maybe I'll digress back to that time when some of these rules were made. It used to be a strangely different place, and I could ask my colleague here, and even Mr. Hill, who claims to have been here for years also, and some of the others—as young as they are, they came here at 12 and they've been here some few years too.

The answers here were set by the people before us. Private members' business used to be a drastically different thing. It was a rarity. It was so uncommon for a member's piece of legislation to come forward as votable, as a piece of private members' business.

Mr. Hill, in a short speech the other day, talked to us about how even the members used to have to come before a committee to discuss why it should be votable. This was the opposite of where we are: now everything is deemed votable. Everything is votable unless a subcommittee that meets and follows certain criteria asks them to be non-votable, deems them to be non-votable. So here we are in 2007 with almost every piece. As I said, in the last replenishment these 15 bills came before us. We moved two of them non-votable, and there are remedies for either of those two people to have been able to come forward with another piece of legislation.

In fact, nobody can be deemed non-votable if they really wanted to follow the remedy pieces. So here's the answer. We're at the point now where everything is votable. The committee has certain criteria to follow. It's deemed non-votable by the four criteria used, and then we are faced with the moving to the House and moving through the system and being voted on and moving off to committee and being discussed there and then coming back to the House.

I dare say, Chair, I'm not certain if I could come up with the number, but I would bet it's five or six that even so far in this session of Parliament—it's still young, this session of Parliament—have been voted on and won by the member who put them forward, that have had bills passed. I say “won” because of the thrill it would be if you put forward a piece of legislation and in fact it did come to pass that it was made legislation. You would feel it to be a real victory.

But this is happening now far more often in this, in our terms, our time, as members of Parliament, than we've ever seen before, than has ever gone before us. Private members' business was a rarity. It just was so hard to do, and we're at a time and place when it is almost a given. You come up with a piece of legislation that meets certain criteria. It's votable. You move it on to the House. You convince your

colleagues that what you stand for is true and just, and it's voted on and it becomes the law of the land. Can you imagine? It's that simple. A little guy from a riding deep in southern Ontario could come forward with a piece of legislation, provided he writes it properly so it isn't substantially similar to somebody else's, and he could move it forward.

A voice: He was referring to himself as “a little guy”.

Mr. Joe Preston: “The little guy”. Yes. I meant that in a figurative sense, not a literal sense.

• (1145)

Hon. Jay Hill (Prince George—Peace River, CPC): Stephen thought you were talking about him, for a minute there.

Hon. Stephen Owen: Joe and I are substantially the same—

Mr. Joe Preston: Well, we are substantially the same.

An hon. member: It's like looking in the mirror.

Hon. Stephen Owen: That's a whole other debate.

Mr. Joe Preston: Okay, I have material to go on now, but I could —

Hon. Karen Redman (Kitchener Centre, Lib.): On a point of order—

The Chair: Please.

Hon. Karen Redman: In case Mr. Preston runs out of material, I did have my office bring down a dictionary so we no longer had to worry. It's actually the ninth edition, but if there are any other definitions he would care to bring forward in his scintillating commentary, I'd be happy to share it.

Mr. Joe Preston: Oh, excellent.

The Chair: Madam Redman, that is incredibly kind of you and very cooperative. I'm not sure we need to encourage the member, but I appreciate your involvement in the discussion. It's not a point of order.

Mr. Preston.

Mr. Joe Preston: However, Chair, I point back now to the piece I was speaking of not that long ago—it seems not that long ago, anyway—about rules and regulations in this place. This is in fact what we talked about.

Although Madam Redman had exactly, I thought, a very relevant piece of information for me there, that she now has her dictionary here and we can look up other things, you in fact ruled her out of order. You in fact find that this point of order is—I think a point of reference, a point of education. There are all of these things that it could truly be, but these are the rules, and you're forced by the goodness of you being the chair to follow these rules and to point them out to people as they bring them forward. If the wisdom of the members around this table were added together, I'm not sure what sum we could come to, but even you, Chair, must, from time to time, tell us we are erring; we are in the wrong; we have done things that are not correct.

Well, that in fact is what your subcommittee has also tried to do, not in a vindictive way, and certainly not in a partisan way. As I've stated in reference to the subcommittee, whether it's Mr. Benoit from Vegreville—Wainwright, a good Conservative, or Mr. Silva, from Davenport, this is not about partisanship. This is not about where you came from. It's not even about the source of your material or why you're using it. It has nothing to do with any of those. It has to do with the rules and regulations the subcommittee must work under, and the subcommittee sat there and followed its own rules and its own regulations and said, on the votability of this piece of legislation, it is non-votable because it is substantially similar to another piece of legislation that we've already voted on in this House.

Mr. Lukiwski yesterday, or Tuesday, or whenever we last talked for great periods of time, mentioned that that's not the end of it. It isn't. It's not over for this piece of legislation. We haven't rang its death bell. It's not there. This bill could come back. "How?" you say. I know you're looking for information as to how, in the next session of Parliament, when there hasn't been one that's substantially similar to it that has been voted on, it could be put forward by another member of Parliament, thinking passionately that this is the type of legislation that he or she would like to see in the country of Canada. He or she could bring this forward again, for the tenth, eleventh, or twelfth time, whichever one it seems to be. It could be brought forward. In that time, between now and then, changes could even be made to it. It could be made a better piece of legislation between now and then, as could have Mr. Benoit's. When we ruled his bill non-votable, he could have gone home, and maybe he has, and is rewriting it so that next time it meets the criterion that wasn't met in the one that he looked at. He could in fact bring it back again, or should Mr. Benoit's number not be drawn early, he could convince one of his colleagues from the House, whether it's his party or another, to bring that bill forward again on his behalf, and at that point, make it votable—hopefully he has looked at the criteria we used that made it non-votable—and move it forward.

As I mentioned, even Mr. Dion, who brought forward a piece of legislation in this last one, could clearly look at the piece he was looking at. Obviously the passion wasn't in his heart to bring it forward beyond this or he could have brought it to the House for debate, but he chose to just let it go. He agreed. He said, "You know what, subcommittee? You've done good work." He didn't say those words out loud to me, but I'm sure he must have thought them. "You've done good work. You've made this piece of legislation non-votable because it was voted on in the House." And so he agreed with the subcommittee's great work that it was non-votable. Therefore, being non-votable, he did not have the passion to bring it forward and discuss it in the House, because it couldn't be voted on at the end of the day.

Well, Mr. Silva is saying the same.

Mr. Silva, we're offering you the same opportunity. Mr. Silva, we're saying to you, you have the rights of any member of this House that your bill has been deemed non-votable. Please, please, if you're still passionate about it, bring it forward to be discussed as a non-votable item. Please, please, if the passion is there for legislation, then discover something else.

I know Mr. Silva to be a nice man. I've travelled with him. I know he has interests that he could also come up with for other pieces of legislation that could probably fit the bill for him and he could be almost equally as passionate.

• (1150)

I know this was his first choice, but if he could come up with a second choice that was almost as good, he could move forward and, through remedy, come up with another piece of legislation.

This is how easy we've made private members' business in this House. We have talked about how hard it was in the past, and about what would have occurred with Ms. Bell's and Mr. Nadeau's pieces in past houses. The priority of private members' business was such that one of them simply would have been dropped. We would not have tried to come up with a remedy for them. And what a shame that something that high up in the order of precedence would have been dropped. We simply would not have had the ability to passionately bring it through.

I believe Ms. Bell recovered nicely. She brought forward another great piece of legislation and is passionately moving it through the House now.

Ms. Libby Davies: Yes, and you're voting against that too.

Mr. Joe Preston: But you know, that's democracy.

Passionately she's moving it forward. She has the desire to bring this piece of legislation forward. I will say that it's a shame she continues to bring forward things that I disagree with. But it's not because I disagree with them that the subcommittee has ruled this way. We're bound by our own rules, whether it be, as we found in the past, a piece of legislation from our Conservative member or, in this case, Ms. Bell, a member of the New Democratic Party, or now Mr. Silva, a member of the Liberal Party.

It seems we're being very non-partisan on what we're ruling non-votable. I guess we best watch for some Bloc bills. We'll have to even this out now.

So this is what this is about. This is not about the partisan piece of this House. I recognize that from day to day this place becomes very partisan—

Voices: Oh, oh!

Mr. Joe Preston: No, no, I'm not mentioning the members in this room. I know the collegial aspect we have here at this committee and how well we get along.

Ms. Libby Davies: We know you're not partisan—*Inaudible—Editor*].

Mr. Joe Preston: Great. Thank you.

I'm glad Ms. Davies has recognized that I'm not in that group. Certainly there are people who may be that way, but I try to be as gentle as I can and stand for my convictions. But standing for your convictions cannot be standing against the rules and regulations of this place. We must work together in order to make it work.

That was a good line. I hope somebody is recording some of this.

Mr. Ken Epp: Somebody will.

Mr. Joe Preston: Great.

If we don't follow the rules and regulations, it's anarchy. We're going to end up with an even more partisan situation, as I've said.

Since we seem to have been able to find some equality, even in ruling bills non-votable, from a partisan point of view, from a party point of view, I think we've kind of struck a balance. We need to look at it from that point.

Perhaps I will move on to the other point, and that's the role of this committee in this action. I need to speak to this committee as a whole.

We do things from time to time, and we certainly do have pieces of business here, that may have a partisan edge to them, but we establish working groups within this committee. I know that this committee has other subcommittees besides the committee on private members' business. It has a subcommittee that's currently looking at ethics and the forms that we all need to fill out. It has a subcommittee that even looks at the steering of this committee, what items will and will not come up next. I know that for a while we even had a subcommittee on security.

So we've had many subcommittees before, and at all times there were members from all parties sitting on these subcommittees. It's how we get the work done. It's how we divide the work among this group of very busy people. We take it down to four or five people representing all of the parties on this committee. The subcommittee is charged with being able to move forward and get that work done.

In this case, the work is private members' business, but as I say, in other cases, it's other work. Whether in fact it's just the steering of this committee or private members' business or in fact ethics, those people have been charged by the people at this table to go ahead and go forward and discover, to go ahead and go forward and determine, to go ahead and go forward and rewrite, to go ahead and look at the areas they've been charged to look at.

• (1155)

Those people have been charged, not by the four people who are sitting at the subcommittee, not by the four people and the chair who are sitting at the subcommittee, but by this committee as a whole.

I challenge this committee as a whole. You have given us the ability to move off. We move off as four or five. We follow a criterion. We take great advice from clerks and from researchers as we do this. But we represent this whole committee. We represent this committee as a whole. We represent each and every member, and I could name you all but I will not. We represent you all when we sit at subcommittee.

When we come back with a report from subcommittee, there's some thought process by which this committee would say, "We charged them with their duty. They went off and diligently did it. We should accept what they say; that's what we've asked them for." When a group of us, a smaller group — and I don't mean that in size, I mean in number — moves off and looks at a piece of information — I dare say that at some point the other subcommittees

will report back, whether it be on ethics or other points. In this case, the subcommittee on private members' business has reported back—

Mr. Yvon Godin (Acadie—Bathurst, NDP): On a point of order, Mr. Chair, it's really starting to get repetitious. If they want to filibuster, they should tell us a new story.

• (1200)

The Chair: Thank you very much.

We don't need a second point of order. We're not going to debate

Mr. Michel Guimond: On the same point.

The Chair: Do you want to put something forward, Mr. Guimond? I'm not offering you the floor, though. We'll listen to a point of order.

Mr. Michel Guimond: I will speak for 30 minutes.

Hon. Jay Hill: Thirty seconds or thirty minutes?

The Chair: Order, please!

[*Translation*]

Mr. Michel Guimond: Mr. Chairman, I was not sure whether Mr. Preston was filibustering or not. I listened to him, it was interesting. However, when he gave the example of two feathers, I found it difficult to see its relevance.

When we were studying the referendum Clarity Bill that prevented Quebec from choosing its own destiny, a bill that was tabled by Mr. Dion when he was a minister, I launched a filibuster that lasted five hours and 45 minutes. Time and time again, members from all parties would refer to subsection 101(2) of the Standing Orders, whereby "speeches in Committees of the Whole must be strictly relevant to the item or clause under consideration". Marleau-Montpetit, on page 780, refers to the rule of relevance: "Speeches in a committee of the whole must be strictly relevant to the item or clause under consideration. If a member's speech is not relevant to the debate, the Chair is empowered to call the member to order and if necessary, warn that he or she risks being reported to the House". The member could lose his or her right to speak.

Mr. Chairman, since I have absolute faith in you, I am convinced that you will strictly enforce subsection 101(2) of the Standing Orders and that you will make sure that the last minute of Mr. Preston's speech be relevant. In any case, I am certain that he is almost through.

[*English*]

The Chair: Merci.

Let me just deal with this.

I'll let you speak now.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Very quickly, Mr. Chair, I only want to point out the apparent contradiction between Mr. Godin's point of order and Mr. Guimond's point of order.

Mr. Godin was arguing that Mr. Preston was repeating himself and saying the same thing—which was relevant and on point—too many times. Mr. Guimond is saying he's not on point, he's not relevant, so there is a contradiction. If you are repeating yourself but still on point, how can Mr. Godin or Mr. Guimond argue that you're not relevant?

Mr. Jay Hill: He's too relevant.

The Chair: All right, colleagues.

On Mr. Godin's point of order, I will caution the member to stay on point. However, my feeling was that he was pretty relevant but I will simply caution the member to stay relevant.

Mr. Guimond, I believe you're referring to committee of the whole, which is not relevant for this meeting, so I'm still going to give the floor to the member.

Thank you.

Mr. Preston, please.

Mr. Joe Preston: Well, good. I'll try to be very relevant now, because I was speaking about the role of this committee.

Since it will be the role of this committee to vote on the issue at hand, at some point, it will be up to this committee to determine whether the work of the subcommittee was an absolute waste of time, and thus whether I could have been off, doing some other good work in this House, or whether the subcommittee—and not only me, as chair of the subcommittee, but also the other members of this committee who sit on that committee—were actually doing relevant work and doing it the way they were supposed to do it.

Earlier in my dissertation today, I brought up the rules and regulations, which I thought were very relevant because we really are trying to determine the non-votability of a piece of legislation. This committee will need, at some point, to determine whether the report from the subcommittee is either accepted or not accepted. In fact, you'll say, hey, subcommittee, you did your work; or, we don't need you at all, and we'll just stay as a big committee and do all the work in the future.

If that's what you're saying, we may have trouble moving other pieces of private members' business forward, because the subcommittee, of course, would say to itself, what is our relevance? Why are we here? Why does the subcommittee have to meet at another time than this committee? Why does that subcommittee need to meet at all if in fact the committee of the whole, the Standing Committee on Procedure and House Affairs, actually gets together and overturns the subcommittee's decision? Why, in fact, would the subcommittee on private members' business of this committee even meet?

An hon. member: Exactly. Why? Good question.

Mr. Joe Preston: That is absolutely correct.

An hon. member: That raises an interesting point.

An hon. member: You should repeat it, because it's not on the record.

Mr. Joe Preston: Right. It raises another point that I'll get to in a little while, when we get to it, because I have another point of Mr. Owen's I also have to talk about to see whether he and I are substantially the same.

I think the relevance of this is clear; the relevance is extremely clear. I mean, I'm not sure we could be more relevant, because we're in fact talking about a subcommittee of this committee. How could we not be relevant if in fact the subcommittee is talking about the committee and the committee's talking about the subcommittee?

● (1205)

Mr. Tom Lukiwski: What is the definition of relevance?

The Chair: Order.

Mr. Joe Preston: Relevance?! Oh, I'm sorry, but we're looking it up. We'll have that answer for you shortly, but it certainly isn't relevant to what I'm speaking about.

Truly, the answer here is in fact just that. As a subcommittee of this committee, we have done what I think, immodestly said, is some very good work, such as on the non-votability of legislation. At the same time, while refreshing the order of precedence, we ruled two pieces of legislation non-votable. Because we submitted them back to this committee as two separate pieces, one's being looked at, the other isn't. We also sent back at the same time the subcommittee's report on the new criterion and on the remedies. So it was a basketful of work the subcommittee did. Yet, here we all are, challenging the subcommittee's work and saying it was not right and not correctly done.

In fact, this is what is relevant about the point I'm making: it truly is the duty of the committee to look at the work the subcommittee did. It's not about the minutiae of the bill; it has nothing to do with what's in the bill, but has to do with whether the bill is substantially similar to another piece of legislation brought forward earlier in this House. It's plain and simple: it's simply about the similarity of the two bills.

If you try to take this too deep, if you try to get into thinking, oh, yes, but it was changed by this—the word “essential” was added here, and this *t* was crossed this way—you're getting deeper than a lake trout and you're not into where the criteria really come to pass.

What should really come to pass is whether it is votable or non-votable, based on the criteria set out by the orders the subcommittee needs to work with. Is it votable?

The Chair: A point of order, please, Mr. Preston.

Mr. Joe Preston: I'm sorry. I thought I'd lost my audience for a moment. As an actor, I feel bad when that happens. I recognize Madam Redman is hanging on my every word, and she was interrupted, so I just thought I'd give her the chance not to miss anything.

But back to the relevant—We are not talking about substantially what's in the bills. We're talking about if they are substantially similar. If they are found to be substantially similar, then you must rule it non-votable. That's the rule. It's not about whether, in my party or in your party, this is the type of bill we'd like to see move forward. That's not what this is about, because as I've already explained, with Mr. Benoit or even Mr. Dion's bill or even Ms. Bell's bill, we're totally non-partisan as to what's not votable. We seem to have done it all. So this is about this committee defending its subcommittee and letting it go forward and doing its work.

The subcommittee has done its work well. We think it's moved forward on the changes to the criteria. We think we've moved forward on the changes to the remedies to what happens should somebody's bill be moved non-votable, and of course we believe we've done the work well on moving forward the legislation as being non-votable. That was one of our true missions. That's what we're really discussing here today: Is Bill C-415 votable or non-votable, versus the criteria we've already set?

Mr. Silva came before us the other day and talked about some of the other additions to the bill. But as I said, we've already covered the fact that “substantial” and “substantially” is what we're trying to deal with here. Is the bill substantially the same? If you really compare them—clause-by-clause, word-by-word, word search versus word search—you find them to be, with a few changes, with the word “essential” added a couple of times, but the purpose in the end seems to be fairly identical, I dare say substantially similar. I dare say it because “substantially similar” is the only criterion we need to meet. If we would like to, in fact—and that brings me to the point in the work of the subcommittee—the subcommittee was charged by the Speaker to look at the criteria used for private members' business. We did, and we've added a small piece to this one criterion so in the future we could come to non-votability at an earlier stage.

But I challenge this committee, if you would like us to look at the word “substantially”. If that's not the criterion you'd like us to use for finding similarity between two pieces of legislation, then please bring forward—this is procedure and House affairs—that you'd like us to look at the criterion we're using. We have looked at it already. With the help of the great researchers and the clerks, we'd be happy to look at the criteria again. If you're judging your subcommittee on doing its work improperly, perhaps you're misinterpreting the word “substantially” and perhaps you're misinterpreting some other words in there. Or perhaps we are. Perhaps you'd like us to change the word to be “—if two *exact* bills come forward—”. If that's indeed what you're looking for, then that's easy. It would have to match word for word and we'd be able to set that and set the criteria that would be very easy for us to judge. We could almost do it on paper without even having to meet.

But it has a subjective meaning to it in the fact that it says “substantially the same” or “substantially similar”. So here we are trying to deal with substantially similar pieces of legislation. Your subcommittee has ruled they are substantially similar and has written a report to this committee that says that. We'll be looking forward to this committee's backing up the subcommittee to that effect and saying we agree with the work the subcommittee has done.

As I stated earlier, we also brought back a full report, not only on the non-votability of this bill, but on the changes to those criteria. I think I've covered that enough. But the other piece we also covered in there was the remedy. I referred before to how hard it was in previous years for private members' business to come forward.

● (1210)

So we really do look forward to the fact that now, even if we find a piece of legislation non-votable, even if that truly does happen, we have a remedy for those people to move forward and put forward other pieces of private members' business. So they can, in fact, represent the people in their ridings and the people of Canada well by still putting forward legislation. Your subcommittee has also done that work. There are some true changes built in there, because it could be treated differently.

I'll start down the road of summarizing where I've been. I think we'll talk about the different rulings we've made here. We've talked a lot about the overall subcommittee report on private members' business and what was votable and what was non-votable. And we've moved that forward to give Mr. Silva the chance to come forward. And Mr. Silva did come forward the other day and told us his views on why he thought the subcommittee had perhaps gone too far in thinking of what was votable and what was non-votable.

The other piece he discussed with us was a ruling from the chair. I think I covered a bit of that earlier, but I'll look at this. These are really two different events in the course of this same private member's bill. The Speaker made a ruling from the chair at a point the day before or the day after the Subcommittee on Private Members' Business had met. He was being asked at the time to rule it in order or out of order, and he was in the middle of his ruling when the member for Scarborough—Rouge River, I believe, stood and asked the Speaker that day if he knew that the subcommittee was meeting and that their decision was pending. And the Speaker said thank you very much for the information and carried on.

So we recognized at that point that we were really dealing with two different rulings, if you will. There was the ruling on non-votability by the subcommittee, and that's what we're discussing here today, and then, as Mr. Silva brought up, there was the ruling by the Speaker.

I brought it up earlier, and I certainly have a copy of the Speaker's ruling here. As I said, other than when he may have been interrupted and asked by the member for Scarborough—Rouge River about the non-votability of it, the word “non-votability” is not in here. So he ruled the bill in order, and as I stated earlier, I certainly interpret that to mean that it's in order.

Mr. Silva's bill could easily go forward and be discussed, as could Mr. Benoit's bill. Mr. Benoit chose to do that when his was deemed non-votable. He chose, in fact, to move forward, because his bill was still in order as a private member's bill; it had just been deemed non-votable. So he was able to bring the bill forward and then have it discussed at each reading in the House. At the end of the day, it certainly wasn't voted on, because it was non-votable. Mr. Silva has exactly the same ability to do that if he would like.

There are other options, as I said. There are other remedies he could seek such as putting forward a different piece of legislation or another one of his own that he already has on the order paper or something else that could come forward.

Mr. Chair, I think we are sometimes, in this House, drawn along party lines. There are certainly times during votes in the House when we can expect to see which party will stand for which issues and which parties will stand for other issues. I know that in the party I serve and am proud to serve, we have the ability to vote differently when it's private members' business. We have the ability to stand on our own conscience on private members' business. We have the ability to vote our conscience.

● (1215)

It may seem from time to time that our conscience is always right, that that's true, but we do have that ability. I recognize that there are other parties in this House that do the same thing. Mr. Godin I'm sure would say it about his. I'm sure that all parties would say that when it comes to private members' business, we get a little bit different on how we vote. This is a piece of government legislation, and of course it may challenge us to the end.

Sometimes you read into it because you know the person whose piece of private members' business it is, you've had personal time with them at some point or you've been on committee with them, and you know them from other places, so you know them to be good and honourable people, so you choose to vote with them or against them, not only based on the piece of legislation that comes forward, because a lot of times it may or may not affect your individual riding directly, so you sometimes will make the decision based on even who the person is who's bringing forward the legislation.

That does happen in private members' business. I'm sure I've seen it on your side of the House or on other sides of the House, and it's the same as ours. When it's one of our colleagues whose private member's business is up for vote that night, they're extra friendly, they're coming around and making sure you're going to be there, they're coming around to see how you'll vote, and sometimes I think that truly happens in all parties.

Truly, I've met some of my colleagues from all of the other parties when it was there, for their bill to be voted on, and that surprisingly I'm running into them, even just outside my lobby to try to give that little extra twist at the end to say yes, I need your help tonight, and I hope you'll give it. As I said, sometimes you know the person well, and other times you know them only from passing, but it's a wonderful sight to see when a standing vote takes place. As you see, we often try to apply so many votes in this House because we like to get on to other things sometimes, but in private members' business we often don't; we give the member the courtesy of watching the members stand for a standing vote. Even when we sometimes know

what the outcome will be, whether the outcome will be a sheer pass or even unanimous, as we've seen in some of the votes that we've done even this year in this House.

We see the numbers wanting that standing vote to take place because it's a special time for them, they've taken a lot of work and effort not just to put the bill forward. That may sometimes be the easy part, but the work and effort of seeing it through different readings in the House, and seeing it through the committee work that sometimes has to happen on a piece of private members' business, there's something very special about having a piece of private members' business move forward. I'm very pleased to say that I find that part of the job a very enjoyable piece, and I don't take the job lightly of looking at private members' business to ensure that we're bringing forward true and good pieces of legislation.

Pardon me for just a second.

Truly, the answer isn't about your colleagues putting forward pieces of legislation and whether they're good people. As I said, Mr. Silva and I know each other reasonably well, but that wasn't about whose name was on the bottom of the bill; it was about the criteria we used in order to look at the bill and compare it to others and compare it to the fact, and compare it to what will move forward. I guess that's the answer.

● (1220)

The Chair: If you don't mind stepping away from the table, everybody else is having discussions. I have zero problem with that.

Please continue, Mr. Preston.

Mr. Joe Preston: Sorry, I thought you were asking me to step away from the table, Chair. At this moment, though, I think I'll finish where I am.

Mr. Yvon Godin: I thought you were starting to finish where you were at.

Mr. Joe Preston: Yes. The true answer here is this House can be a very collegial place, and as I was mentioning during the votes on private members' business, there are times when it's at completely cross-partisan purposes. We all know the person whose bill it is, and we all would like to see it happen. As I said, in a lot of cases, it's a piece of legislation they've worked very hard at, whether it's back in their own riding or here too, but certainly going door to door in some of the offices and trying to get those votes.

I guess the true answer here is that we get to the point where we have to lose some of how hard we work at each other, how hard it is or how overheated we get from time to time in that House, and look at these things as true gifts given to us by the job. The gift is we're able to bring forward a piece of legislation that can in fact impact something you're very interested in, or something that would do a great deal of good for your riding or a great deal of good for the country, that your colleagues can certainly help you do it, and how you've behaved and what you've done in the past certainly may help them make their decision.

Mr. Chair, I think I'm getting near the end, and I think I'd like to summarize a bit, but I'd like to ask you—

The Chair: Excuse me, but you've already said you would summarize. If you could—

Mr. Joe Preston: I believe in each case I said I was near summarizing or starting my summary.

The Chair: I just want to caution the member not to repeat too much. I'm listening.

Mr. Joe Preston: I won't repeat the fact that I'm summarizing.

I think I will now suggest that I'm getting near the end.

The Chair: You thought I wasn't listening.

Mr. Joe Preston: Well, why would today be different?

Mr. Marcel Proulx (Hull—Aylmer, Lib.): This is very insulting for you, Mr. Chair. You've done a fantastic job until—

The Chair: Normally I don't allow any other conversations; however, I'm going to allow you to continue.

Please, order.

Mr. Preston, you have the floor.

Mr. Joe Preston: If indeed my last comment was in any way taken out of context and felt to be contrary to the chair's behaviour, that is not what I meant. I was certainly putting you on a pedestal, higher than I could possibly—

I could go on and on and on, and maybe even more. I could. If I really wanted to go on, I could. But I think, given the fact that we've seen a real increase in temperature in the outside, although you may not have known it from yesterday, and in the overheated inside of the House and maybe even some of the other committee rooms in the last little while, I would suggest, Mr. Chair, that although we will need to bring this to a conclusion at some point, perhaps if I asked for you to adjourn this meeting we could do so, and discuss this upon our arriving back here.

•(1225)

The Chair: Is that a motion on the floor?

Mr. Joe Preston: I would be happy to make that a motion if you'd like.

The Chair: The motion has been tabled, and there is no debate on it. However, I have a point of order, which I have to go to first.

On a point of order, please, Madam Redman.

Hon. Karen Redman: Thank you, Mr. Chair.

When I look at the clock I see it's not quite 12:30. I wonder if we couldn't dispense with the motion to concur in the subcommittee report.

The Chair: That would be.... If there's a friendly little conversation going on here, you go right ahead and have it. Unfortunately, I don't feel that is a point of order.

I'm going to have to go back to the motion that's on the floor. It's not amendable and it's not debatable. I want clarification if you're asking to—

Hon. Karen Redman: He's moved to adjourn.

Mr. Joe Preston: My motion would be to adjourn and let us cool off over a week's vacation.

The Chair: I'm sorry, sir, are you asking to adjourn the debate or adjourn the meeting?

Mr. Joe Preston: I think it would be to adjourn the meeting.

The Chair: The motion is on the floor to adjourn the meeting.

All in favour of adjourning the meeting, please raise your hands.

There is a motion on the floor to adjourn the meeting. I've already counted the vote in favour of adjourning the meeting.

Mr. Yvon Godin: It's not that I want to debate it, but I want it clear. You said "adjourn the meeting".

The Chair: To adjourn the meeting.

Mr. Yvon Godin: But he went further. He said something else, too. Could he repeat his motion?

Mr. Joe Preston: My motion is to adjourn the meeting, and we'll come back and visit this when we get back.

Mr. Yvon Godin: He's saying something else—"visit back". Is that in the motion?

Mr. Joe Preston: I will leave it really clear: to adjourn the meeting, Chair.

The Chair: The motion is to adjourn this meeting.

(Motion negated)

The Chair: Mr. Preston, you still have the floor.

Mr. Joe Preston: Okay. I'm sorry, I went and put my papers away. I'll slowly get them back out.

Hon. Jay Hill: Hopefully, we'll adjourn at two o'clock for question period.

The Chair: Talk to the chair, please. I have the floor to Mr. Preston.

Mr. Joe Preston: Thank you, Mr. Chair.

I think I'll go back. I can't use the word "summarize" because you chastised me the last time. I think we'll go ahead and talk about the great work the subcommittee has done. I'm not certain I had a chance to—

The Chair: Mr. Preston, you have the floor.

Mr. Joe Preston: Certainly.

We'll talk further about the subcommittee and the work that it's done. I'm certainly losing my audience again, but some of you weren't here for some of my dissertation.

Mr. Michel Guimond: Ask for a quorum call. Maybe we don't have quorum.

Mr. Joe Preston: I love the suggestions, but I think the real answer here is that we'll talk some more about the subcommittee and the work that we did in changing the criteria and coming up with these criteria, and then we'll talk a little bit more about the remedies. I think it really comes down to the point here that the answer for Mr. Silva here isn't a finite no. The answer here is that your item is non-votable because it didn't meet the rules and regulations of the subcommittee. But you have chances to move forward. Mr. Silva still has chances to take a piece of legislation of his choice—just not one that has been deemed non-votable—and move forward, or he could take his piece of legislation that has been deemed non-votable and move it through the House, and have full discussion on it at each level, at each reading. At the end of the day, it would not be called for a vote by the Speaker.

It would indeed, also, through that period of time, have the ability to end up at committee. Even though it's a non-votable piece of legislation, it could still go to committee, where it could be fully looked at, and it could be determined whether some changes could be made, whether there would be some small amendments. Certainly, because this one is non-votable, what would make it votable in the future could be fully discussed so that the next time it came forward it could, in fact, work. That is the role of this committee.

That's truly, Mr. Chair, the role this committee has been charged with. We feel we've gone forward and done our work properly. There are other members of this committee who sit on the subcommittee, and I feel somewhat bad for them because they also will be told by this whole committee that the work they did was for naught or that the work they did was incorrect. I think it's up to this committee to actually move forward and tell its subcommittee that it believes in what they stand for and it believes in the work they've done.

So we will continue to stress that point. I would have to think that, then, the next time the subcommittee was called forward to look at this type of legislation, we would have—I hate to say reservations—We might not walk as quickly as we might to go ahead to do that work because we're simply being told you're fulfilling a role that's just going to be overruled by the committee of the whole the next time you come back.

Sometimes you get a bit down about it. It's just not going to be what you look forward to. I know that in a previous committee, I sat there and listened once to Mr. Lukiwski talk about his dog Sparky, and how it had gotten to that point at a meeting, because I think we were talking about honour at the time. We were talking about how he had once perhaps told an untruth—I'm getting back to the focus part—to his father. Although it might not have been a whopper of a lie, it was an untruth. He said he would feed the dog, and he did not, and when his father found out, there certainly were some sanctions. Around here we call them “sanctions”, because of course, under another motion, we're looking for what sanctions could be used.

He was sanctioned for doing it. I think that truly, the members of our subcommittee would feel a lot like Mr. Lukiwski—see, notice how I'm now bringing this back, Chair, I'm reeling it in—felt that day. He didn't mean to do wrong, nor did the members of the subcommittee. I don't in fact think they did anything wrong, but they went forward and spent some true time on putting forward this report back to this committee on procedure and House affairs.

I probably should mention that, too. I've been taking to calling this procedures and House affairs, and if you really look at the title of this committee, it is procedure and House affairs, singular. It's not procedures. It's procedure and House affairs. If anything, we should probably move a motion for sanctions for anybody who says “procedures and House affairs”.

•(1230)

But back to where we were—That is the role of this committee, it is the committee for procedure and House affairs, and we report to them as the subcommittee on private members' business.

So we have reported back to them and are awaiting that group hug that we should expect as a subcommittee, when we bring things

back, that says we did our job properly and we did what we're supposed to do. We can only wait for that.

We talked earlier about “substantially”, and I'm not certain we've talked fully about the definition of “substantially”. Well, I know we have, but I'm certain that we may need to bring it back again, because I'd like to talk some more.

But “substantially similar”, I suppose if I were allowed, I could go around the room and ask for each member to define in their own mind what they think “substantially similar” means. Is a set of twins “substantially similar”? I think they'd be more than substantially similar.

We talked about the two candy-apple-red Mustangs being substantially similar, even though they had different options on them. We talked earlier about my two memories pens—these are the best things—and the fact that they may be “substantially similar”, both in name, because they have the same names and stuff written on them, but the fact that they're both pens. So we did talk about the “substantially similar” parts of that.

That's truly the criterion. That's truly all we have to establish on these two pieces of legislation: is there a bill that has been voted on in this House? In this case we're using Bill C-257, the bill from Mr. Nadeau. We're using that as the comparator. It's there. And then Mr. Silva comes forward with Bill C-415 and we're charged with asking is one substantially similar to the other.

We're not asking, are they exact? We're not asking, are they two different bills? We're asking, are they substantially similar? That's the criterion. And I think that as a group we have decided that they are exactly that: substantially similar.

I may go through life now calling things “substantially similar”. It's not a term I've used in the past, but I think when you find things truly that alike, then you call them “substantially similar”.

It wasn't hard when we were certainly discussing this. Of course, it was in camera. I can't tell you how the discussions went, but you can imagine that the researchers had some piece to tell us why these may be or may not be substantially similar. Some discussion would take place and we'd talk about whether they were similar or substantially similar. We maybe even discussed a little bit about the words “substantially similar”, are they or are they not?

But they truly are pieces of legislation that accomplish or attempt to accomplish the same thing.

We talked about the fact that one bill has the word “essential” written in front of the word “services” in two or three spots. That was what is supposed to make it different. Well, I understand it's different. Those are different words. I'm not saying they're not. They are different words. But they don't make the total substantially different. They remain substantially similar.

I think we truly need to look at the essential service piece in these pieces of legislation. I know this isn't about what's in the legislation and not in the legislation, but here we are faced today with a strike on another one of our railways. Are we to establish whether that's an essential service or not? I guess that's another piece for another day, Chair, on this.

When we talk about the essential services, I think it's an essential service when any person, any good employee out there, has to go home without a pay cheque because somebody's on strike. That's truly what we're talking about here, whether the management team fills in.

I see the chair brought lunch today. That was very good thinking.

●(1235)

This House will need to look at the essence of the bill and the parts of it that—

A voice: You can try your motion again.

Mr. Joe Preston: I just have this feeling that comes over me from time to time, because I'm a bit clairvoyant. If I tried my motion to adjourn, we could probably vote on it.

Mr. Chair, although we probably have more to cover yet on the substantially similar parts of this bill, I think it's in our best interests if we move a motion to adjourn. I'll stop at that point.

The Chair: Just for clarification, is it a motion to adjourn the debate or to adjourn the entire meeting?

Mr. Joe Preston: To adjourn the meeting, Chair.

The Chair: Colleagues, we have a motion on the floor to adjourn the entire meeting.

(Motion agreed to)

●(1240)

The Chair: The meeting is adjourned.

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